

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of:)	
Creation of a Low Power Radio Service:)	
Second Order on Reconsideration and)	FCC No. 05-75A1
Further Notice of Proposed Rulemaking)	
)	

Filed by:
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COMMENTS

JT Communications files the following comments, and states the following:

OWNERSHIP / LEGAL REQUIREMENTS

Current rules on LPFM ownership are too restrictive. Percentages of ownership can change if owners/officers move, resign, cease to exist, or become unable to perform duties as required by organization/corporation. It may be impossible to comply with current LPFM ownership rules if one or more of the above conditions exist. Under present rules, an organization is caught in an unsolvable situation if such condition were to occur. The FCC does not address such conditions, and must include an exception for such occurrences.

If an LPFM station is either transferred or sold, the new ownership must be able to certify that it or its local chapter or branch is physically headquartered, has a campus, or has 75 percent of its newly elected board members residing within 10 miles of the reference coordinates of the proposed transmitting antenna.

If an applicant files a fraudulent application, upon discovery the applicant should immediately be disqualified, and applicant should be subject to sanctions and other legal remedies as the FCC sees fit. If the fraudulent applicant is part of any time-share agreements, the portion(s) of the agreement relating to the fraudulent applicant should become invalidated,

allowing the remaining applicants to the agreement legal remedies as the law provides.

PRIMARY STATUS OF LPFM/ PROTECTION FROM FULL SERVICE FM STATIONS

LPFM stations should be given primary status, just as any other commercial or NCE station. In addition, translator licensees must protect LPFM classes of stations. Attempting to use translators for the purpose of delivering syndicated national programming to communities does not serve the public's best interest, as it expands the gap between the purpose of the LPFM service, and the detriment that syndicated translator programming creates for the community.

Additionally, a full service station should not be granted a change in service in which an LPFM station would cause interference to the full service station, whether or not any of the stations affected are on the co-channel, or any of the adjacent channels.

NEW LP-1000 CLASS SHOULD BE CONSIDERED

There is no need for a LP-10 class of station. Instead, there should be consideration of an LP-1000 class, with a maximum HAAT of 250 feet. This would cover areas between class-A stations, and LP-100 stations. All rules pertaining to existing stations would apply to the LP-1000 class station.

MITRE REPORT

Congress needs to expedite their actions based on the Mitre report, so that the 3rd adjacent channel limitation can be resolved. The FCC needs to further encourage Congress that the technical qualifications and merits of this report are satisfactory to the technical authority delegated by the Commission.

LPFM TRANSMITTER ACCEPTABILITY

FCC should modify FCC rule 73.1660 ("Acceptability of Broadcast Transmitters") so that transmitter acceptability utilized for LPFM stations will entail the same requirements as transmitter acceptability utilized for full-powered and Non-Commercial, Educational (NCE) stations. Current FCC rule 73.1660 requires LPFM stations bear additional procedures and expenses for installation and operation of FM transmitters, while full-powered and NCE stations are able to install and operate transmitters with

less stringent requirements. Currently, LPFM transmitters must be *type-certified*, while transmitters utilized in full-powered and NCE stations only need to be *type-verified*. Full-power station transmitters can include powers up to 30kW. Technical parameters at these high power levels such as spurious emissions, harmonics, stability, and other technical measurements must be maintained to the same rules as a transmitter operating at the 100-300 watt range. In the event of a malfunction or technical irregularity, higher-powered transmitters are capable of causing greater interference to broadcast services than that of a transmitter utilized on an LPFM station. However, the LPFM transmitters must undergo more severe test criteria for acceptability. Therefore, an LPFM station is subject to the same technical rules as a full-powered station in regards to technical requirements of sections 72.297, 72.322, 73.508, 73.1545, and 73.1580, *with the exception of 73.1660*. All LPFM stations must encounter an additional restrictive selection criteria in comparison to full-powered and NCE stations. This in effect, has created a restraint of trade against the LPFM stations, as outlined in U.S. Code Title 15,

Full power stations are able to install and operate *non-certified* transmitters, while

LPFM stations are prohibited from the larger availability of non-certificated equipment.

There is no scientific or technical explanation that an LPFM transmitter will exhibit any increased technical irregularities or tolerance failures that would preclude it from operation that the type-verification transmitter's full-powered stations are allowed to install and operate. Conversely, there is no scientific or technical explanation that a full-powered transmitter would exhibit any increased technical irregularities or tolerance failures that would preclude it from operation at an installation for an LPFM station. Type-Certified transmitters bear an additional expense to the manufacturer, which is typically passed on to the purchaser. Non-certificated transmitter manufacturers do not bear this expense. Therefore, LPFM stations must bear additional the additional expense that the full-powered and NCE stations do not bear during transmitter purchase. Manufacturers lose their competitive advantage by requiring LPFM transmitters be certified, while non-LPFM transmitters remain verified.

CONSTRUCTION PERIOD

LPFM stations should enjoy the same 36 month construction period as all other broadcast stations. LPFM stations should be allowed additional time for construction as the FCC permits, depending upon reason(s) for delays. The FCC should change the current 18 month construction window to 36 months for the LPFM service.

Sincerely,

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